

Having studied Engineering and have owned and lived in eight multistory houses in six States, I am very familiar with stairways. I knew there had to be dimensional standards for stairways and my house was built to them. However, I never researched stairway standards until the *Examiner* questioned my use the terms “normal staircase found in the average multistory residential building” and, more importantly questioned the “existence of precise standards for stairways”. In building my model, I had no question that the stairways in my current house were normal and had to conform to the local building codes. My using their dimensions for the model is in keeping with my intent to emulate a single step rising to a landing. What I was really emulating was the step in my house in Alexandria. My statement that the vertical dimensions are as stated in the Wisconsin code is **because I measured the steps in my Wisconsin home!** As far as the tread depth was concerned I was looking for comfort for sitting, thus I made the footrest and seat depth deeper. Unknowingly, I made footrest 1 inch and seat 2 inch deeper than the minimum as specified in the Wisconsin building code and as I found out after researching stairway design.

I purchased the “Visual Handbook of Building and Remolding” in 1991 as I was finishing Library and Laundry rooms in our house in Alexandria. My interest was in room finishing, plumbing and electrical rather than stairways so I never found out about the rule of 72-75. The handbook never mentions it either. If the Examiner looks carefully, he will see that my dimensions are not listed in the book. I only found about the rule only after the Examiner questioned use of “a normal stairway in an average multistory building”. As I pointed before, almost all new stairways are prefabricated and there would be no need for the rule of 72-75 unless someone was adding a new stairway to an existing house where the vertical rise is not of standard height.

The assumption that the design of the present invention, based on stairway design, would been obvious to anyone to wishing to design a stool to assist in the shoe and sock putting on and taking off process is **flawed**. The stool is a piece of furniture and stairway design is in the building trades. There isn’t the remotest connection as furniture is moved into the building after it’s construction is complete. Also, if this was assumption was obvious there most likely have been

furniture constructed for this particular purpose many years ago as this problem has worsened as the number of people with knee and back problems has increased every year. You can see from my previous comments that my dimensional discovery was accidental.

All the “new material” i.e. the dimensions of the height and width of the seat and footrest have been removed from the claims; as I believe my statements about a “normal rectangular stairway” are sufficient to define the dimensions for someone skilled in the art of furniture making to make the design. In regard to using “comfortable height” to describe the height of the armrest, I measured the armrest height on three armchairs in our house and measured the height of armchairs being sold in many local shops. The normal height for arms on such chairs is eight inches give or take minor changes in design. I used the word “comfortable” because I didn’t want someone to compromise my design if I mentioned a specific height. I have amended my claims to “state that a comfortable height is typically 8 inches”. I have included two pictures of these chairs being measured.

In regard to the Examiner’s statement that Kneier provides new material; I have reviewed his submission and the only significant changes are that he had increased the depth of the seat from 12 to 14 inches and cleaned up some very unprofessional drawings. What was done was a redrawing of one of his 6 versions. All of the other dimensions are within the ranges stated in his original submission. Even the back dimensions are the same for the ladder back design. The dimensions, both the height of the seat and the height, size and use of a footrest are the essential factors in Kneier’s design and these are the same. Adding the ladder back and legs and detailing the arms to make the design look more like a chair are more in keeping for a *Design Patent* instead of a *Utility Patent*. I believe that the Examiner has an obligation to the Petitioner to explain in detail the NEW material he claims was submitted by Kneier other than the change in the seat depth and more professional drawings.

As far as the Examiner’s statements that my new application has no new matter, it contains detailed information about the need for armrests Page 2, Paragraph 2 “Armrests were added to

the stool and these difficulties were overcome." The original application only mentions on page 2 [0018] that "a pair of armrests attached to the side frames may be added". The side frames were not designed for armrests and Claim 9 was meant to possibly including mounting holes for potential auxiliary armrests. The drawings of the side frames Figures 1 and 11 do not show any mounting holes. The two other versions in the application, the vertical adjustable and the telescoping leg version also do not provide for armrests. The armrests were not deemed essential in the first application. Whereas, in the current application armrests are an essential part of the design and our prototypes with armrests have proved them necessary. This is new material.

I would also like point out that my first application was still pending as of October 30, 2007 and my second was filed July 29, 2008. A copy of that Office Action is included. I filed the second application because I thought it were be easier to re-submit than try to argue my case when I realized that a redesign including mandatory armrests was a better solution to solving the shoe and sock putting on and taking off problem.

CLAIMS:

The claims have been revised and the marked up copy and a clean copy included.

ENCLOSURES:

1. Copy of Office Action 12/220,803 dated 09/15/2009.
2. Pictures of Stair Measurements.
3. Pictures of Armrests Measurements.
4. Copy of first page of response to Office Action dated Oct 30, 2007.
5. Return receipt Post Card.



Robert F. Zenisek

Robert F. Zenisek

262-639-9814

262-639-9815 FAX